

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD DECEMBER 15, 1998 AT 1:00 P.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. David C. Mangum, Chairman; Mr. Larry L. Weeks, Vice Chairman; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Joe Winkelmann; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

**UPDATE ON THE WARREN COUNTY BOUNDARY ADJUSTMENT – SUPERVISOR GREEN**

Supervisor Green gave an update on the progress regarding the Warren County boundary adjustment.

**DISCUSSION OF THE BOARD OF SUPERVISORS TOP PRIORITIES**

The Board of Supervisors reviewed and held a discussion of its proposed top priorities for 1999. The Board asked the staff to prepare a resolution for consideration at a future meeting.

**POTOMAC-RAPPAHANNOCK TRANSPORTATION COMMISSION AND VIRGINIA RAILWAY EXPRESS**

A work session was held with members of the Potomac-Rappahannock Transportation Commission and Virginia Railway Express to discuss rail transportation in Fauquier County.

**ACTIVITIES UPDATE – JOHNSON GRASS COMMITTEE**

Members of the Johnson Grass Committee gave an update on program activities.

**CONSTITUENT NEWSLETTER – SUPERVISOR WINKELMANN**

**Supervisor Winkelmann presented information** to the Board of Supervisors regarding costs for producing a constituent newsletter.

**EMPLOYEE AWARDS CEREMONY**

Members of the Board of Supervisors participated in the Employee Awards Ceremony held in the Warren Green Meeting Room.

The meeting was reconvened in Regular Session at 6:30 p.m. in the Warren Green Meeting Room.

**ADOPTION OF THE AGENDA**

Mr. Weeks moved to adopt the agenda. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Joe Winkelmann***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

## **CITIZENS TIME**

- Eloise Trainum informed the Board members that the Salvation Army needed bell ringers on December 19.
- Walter Story, representing Old Salem-Marshall Preservation Society, asked for support on the proposed TEA-21 Grant for preservation of the Marshall Meeting House.
- Anita Gray-Tortorella asked that the Board of Supervisors insist that Fauquier Limited Partnership hold its end of the deal regarding rollback taxes and the contract with the Water and Sanitation Authority.
- Jim Borland informed the Board of Supervisors that the current emergency radio system was not working because of sloppy maintenance procedures.
- Scott Seegers asked that he be allowed to tour the current radio system facility.

## **PRESENTATION OF THE 1998 CITIZEN OF THE YEAR AWARD – SCOTT DISTRICT**

Mr. Weeks presented a plaque to Herb Pierpan as Scott District's 1998 Citizen of Year.

## **VIRGINIA MUNICIPAL LEAGUE (VML) – BETH MACDONALD**

Beth MacDonald, Virginia Municipal League's Director of Marketing and Member Services, attended the meeting to thank Fauquier County for its membership and to review VML's 1999 legislative program.

## **CONSENT AGENDA**

Mr. Weeks moved to adopt the following Consent Agenda items. Mr. Green seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Joe Winkelmann***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

Approval of the Minutes of the October 20, 1998 Regular Meeting and the November 12, 1998 Adjourned Meeting

A Resolution to Authorize the Chairman of the Board of Supervisors to Sign the First Amendment to the Lease Agreement with the Fauquier County School Board

#### RESOLUTION

A RESOLUTION TO AUTHORIZE THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO SIGN THE FIRST AMENDMENT TO THE LEASE

#### AGREEMENT WITH THE FAUQUIER COUNTY SCHOOL BOARD

Be It Resolved by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of December 1998, That the Chairman be, and is hereby, authorized to sign the First Amendment to the Lease Agreement with the Fauquier County School Board for office space located at 320 Hospital Hill Drive.

A Resolution to Authorize the County Administrator to Sign the FY 1999 Fire Programs Fund Disbursement Agreement on Behalf of Fauquier County

#### RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR

TO SIGN THE FY 1999 FIRE PROGRAMS FUND DISBURSEMENT

#### AGREEMENT ON BEHALF OF FAUQUIER COUNTY

WHEREAS, the FY 1999 Fire Programs Funds Disbursement Agreement is a contract between the County of Fauquier and the Virginia Department of Fire Programs (VDFP) which governs the distribution and use of the FY 1999 Fire Programs Fund; and

WHEREAS, execution of the FY 1999 Fire Programs Fund Disbursement Agreement by the locality's administrative officer is required prior to distribution of the FY 1999 Fire Programs fund; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of December 1998, That the County Administrator be, and is hereby, authorized to sign on behalf of Fauquier County the FY 1999 Fire Programs Fund Disbursement Agreement.

## Recommendation of the Fauquier County Transportation Committee Regarding a Transportation District

The Board of Supervisors received the recommendation of the Fauquier County Transportation Committee regarding a transportation district.

### FY 1999-2000 SECONDARY ROADS IMPROVEMENT BUDGET AND THE FY 1999-2000 THROUGH 2004-2005 SIX-YEAR PLAN

A public hearing was held at the October 20, 1998 meeting to receive citizen comments regarding the FY 1999 2000 Secondary Roads Improvement Budget and the FY 1999-2000 Through 2004-2005 Six-Year Plan. Mr. Weeks moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

### RESOLUTION

#### A RESOLUTION TO ADOPT THE 1999-2000 THROUGH 2004-2005 SECONDARY ROAD SIX YEAR PLAN AND THE FY 1999-2000 FISCAL YEAR BUDGET

WHEREAS, the 1999-2000 through 2004-05 Six Year Plan and the 1999-2000 Fiscal Year Budget for Fauquier County was duly advertised for public hearing and said public hearing was held on October 20, 1998, and that the items brought forth at the public hearing were duly considered; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of December 1998, That the Board of Supervisors hereby adopts the 1999-2000 through 2004-05 Six Year Plan and the 1999-2000 fiscal year budget as follows:

Priority	Magisterial	Route	
No. District	No. PPMS No.	Route Name	Description of Work
1	Lee 1203	None	West Bowen St. Reconstruct Roadway
2	Lee 1204	18167	Center St. Reconstruct Roadway
3	Scott 0695	15417	McRaes Rd. Reconstruct Roadway
4	Cedar Run	0602 15412	Rogues Rd. Spot Imp. (Pave in Place)
5	Scott 0676	12744	Const. New Bridge & Roadway
6.	Marshall 0645	Tapps Ford Rd.	Reconstruct Roadway
7	Marshall 0624 15414	Lost Corner Rd.	Install Lights & Gates @ RR Xing
8	Lee 0651	11152	Sumerduck Rd. Reconst. Approaches & Bridge
9	Marshall 0688 New	Leeds Manor Rd.	Trench Rd. to 18" & overlay w/plant mix

10	Scott	1325	New	Lakeview Dr.	Overlay with plant mix
11	Cedar Run	1501	New	Daffan Ct.	Overlay with plant mix
12	Center	0605	New	Airlie Rd.	Curve Improvement
13	Cedar Run	0779	15422	Turkey Run Rd.	Reconstruct Roadway
14	Lee	0615	New	Silver Hill Rd.	Cut Rd. Slope to Impr. Sight Dist.
15	Cedar Run	0637	New	Razor Hill Rd.	Shift & Improve Curve
16	Marshall	0682	New	Black Snake Rd.	Drainage & Spot Improvement
17	marshal	0688	New	Hart Mill Rd.	Install Pipe and Headwalls
18	Center	0605	New	Airlie Rd.	Improve Curve
19	Marshall	0690	new	Bear Wallow Rd.	Install Pipe and Headwalls
20/21	Scott	0652	New	Kennedy Rd.	Vint Hill Collector Road
22	Marshall	0688		Leeds Manor Rd.	Preliminary Work to determine concept
23	Marshall	0712	New	Delaplane Grade Rd.	Install Arms & Gate @ RR Xing
24	Lee	0620	02341/11124	Kelly Ford Rd.	Reconstruct Approaches & Bridge
25	Lee	0616	17137	Beach Rd.	Curve Improvement
26	Lee	0755	17140	Grassdale Rd.	Reconstruct Roadway
27	Marshall	0737	15421	Conde Rd.	Reconstruct Approaches & Bridge
28	Marshall	0612	New	Tacketts Mill Rd.	Improve Curve
29	Center	0643	15415	Meetze Rd.	improve Intersection
30	Cedar Run	0806	18168	Elk Run Rd.	Curve Improvement
31	Marshall	0688	New	Leeds Manor Rd.	Curve Improvement
32	Cedar Run	0644	6383	Ritchie Rd.	reconstruct Roadway
33	Cedar Run	0790	New	Boteler Rd.	Reconstruct Roadway
34	Lee	0654	New	Strodes Mill Rd.	Spot Improvement (Pave in Place)
35	Marshall	0688	New	Leeds Manor Rd.	Cut Slope for sight distance @613
36	Marshall	0737	New	Conde Rd.	Spot improvement (pave in place)
37	Cedar Run	0607	11140	Shenandoah Path	Reconstruct roadway
38	Marshall	0728	8129	Moss Hollow Rd.	Reconstruct roadway

39	Center	0605	11217	Dumfries Rd.	Construct turn lanes & bridge
40	Marshall	0689 New		Dudie Rd.	Spot improvement (pave in place)
41	Marshall	0770 11176		Putnam Mill Rd.	Reconstruct roadway
42	Cedar Run		0610 11142	Midland Rd.	Reconstruct approaches & bridge
43	Lee	0615		Silver Hill Rd.	Reconstruct road/bridge
44	Marshall	0802 New		Springs Rd.	Improve curve @ Rt. 1133
45	Scott	0673	8117	Baldwin St.	Reconstruct roadway
46	Cedar Run		0605 17138	Dumfries Rd.	Reconstruct roadway
47	Center	0605	15413	Dumfries Rd.	Construct turn lanes
48	Center	0605	11216	Dumfries Rd.	Construct turn lanes
49	Scott	0694		New Old Bust Head Rd.	Spot improvement
50	Cedar Run		0811 New	Windwright Ln.	Spot improvement (pave in place)
51	Marshall	0645 2413/2414		Tapps Ford Rd.	Reconstruct approaches & bridge
52	Center	0678	11159	Academy Hill Rd.	Construct new approaches & bridge
53	Center	0678	11160	Academy Hill Rd.	Construct new roadway
54	Marshall	0647 11151		Crest Hill Rd.	Reconstruct approaches & bridge
55	Marshall	0647 11150		Crest Hill Rd.	Reconstruct approaches & bridge
56	Lee	0663		New Covingtons Corner Rd.	Construct turn lane
57	Lee	0651	11153	Sumerduck Rd.	Reconstruct approaches & bridge
58	Center	0672	11155	Blackwell Rd.	Reconstruct approaches & bridge
59	Lee	0751		New Belcoir Rd.	Spot improvement (pave in place)
60	Cedar Run		0794 New	Heddings Rd.	Spot improvement (pave in place)

**COMPREHENSIVE PLAN AMENDMENT AND REZONING REQUEST – LEON B. ZEIGER, OWNER/APPLICANT AND COMPREHENSIVE PLAN AMENDMENT AND REZONING REQUEST – EDWARD L. AND ALICE P. CLARKE, OWNER/APPLICANT**

Mr. Weeks moved to table the decision on the Comprehensive Plan Amendments and Rezoning Requests for Leon B. Zeiger and Edward L. and Alice P. Clarke until the January 19, 1999 meeting. Mr. Green seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R.***

***Green, Jr.; Mr. Joe Winkelmann***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

**PROPOSED AMENDED LEASE BETWEEN THE HEALTH CARE COMMISSION AND THE COMMISSION OF THE BIRMINGHAM GREEN NURSING HOME**

A public hearing was held to consider a request from the Health Care Commission for the Counties of Fairfax, Fauquier, Loudoun, Prince William and the City of Alexandria that the Board of Supervisors approve an amendment to the lease between the localities and the Commission of the Birmingham Green Nursing Home property in Manassas. The proposed lease amendment is to permit the refunding of bonds used to construct and operate Birmingham Green to take advantage of lowered interest rates. No one spoke. The public hearing was closed. Mr. Burton moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was 4 to 0 as follows:

***Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. Joe Winkelmann***

***Nays: None***

***Absent During Vote: Mr. James R. Green, Jr.***

***Abstention: None***

**RESOLUTION**

**A RESOLUTION AUTHORIZING AMENDMENT OF THE LEASE TO THE  
HEALTH CENTER COMMISSION FOR THE COUNTIES OF FAIRFAX,  
FAUQUIER, LOUDOUN, PRINCE WILLIAM AND THE CITY OF ALEXANDRIA  
OF THE BIRMINGHAM GREEN PROPERTY**

WHEREAS, pursuant to the Constitution and laws of the Commonwealth of Virginia, particularly Title 15.2, Chapter 52, Code of Virginia of 1950, as amended (the "Act"), the governing bodies of the Counties of Fairfax, Fauquier, Loudoun and Prince William and the City of Alexandria, Virginia (the "Localities"), having declared by proper resolutions a need for a hospital or health center commission to function therein, have created the Health Center Commission for the Counties of Fairfax, Fauquier, Loudoun and Prince William and the City of Alexandria, Virginia, doing business as the Northern Virginia

Health Center Commission (the "Commission"); and

WHEREAS, the Commission wishing to improve the public health and welfare of persons of low income in the Localities constructed a 180-bed health center (the "Facility") for the care and maintenance of sick or infirm persons; and

WHEREAS, the County of Fauquier (the "County"), as one of the Localities, has cooperated to provide for the Facility so as to provide for the care and maintenance of sick or infirm persons who are residents of the County; and

WHEREAS, the Facility is located on certain real property (the "Land") in the County of Prince William, Virginia, owned as tenants in common by the Localities; and

WHEREAS, the County, along with the other Localities, entered into a Lease Agreement (the "Original Lease") dated as of November 1, 1990 with the Commission to lease the Land and all buildings, structures and improvements thereon, together with a non-exclusive right of ingress and egress for access to State Route 28; and

WHEREAS, the Localities are empowered and authorized to lease, without a public hearing, real property to another public body such as the Commission, pursuant to Section 15.2-1800(B) of the Code of Virginia of 1950, as amended; and

WHEREAS, the County, along with the other Localities, entered into a Service Agreement (the "Service Agreement") dated as of November 1, 1990 with the Commission for the purpose of providing the terms and conditions for financing, constructing and operating the Facility; and

WHEREAS, to clarify certain provisions of the Original Lease and to cure certain ambiguities there, particularly in light of a proposed refinancing of the Facility, the County, along with the other Localities, and the Commission desire to amend the Original Lease by executing and delivering the First Amendment to Lease Agreement (the "Amendment to Lease") dated as of December 1, 1998; and

WHEREAS, the Commission issued and sold its Northern Virginia Health Center Commission, Nursing Home Revenue Bonds Series 1990 in the aggregate principal amount of \$10,530,000 (the "Series 1990 Bonds") to finance the acquisition, construction, furnishing and equipping of the Facility; and

WHEREAS, the Commission has determined to issue and sell its Northern Virginia Health Center Commission, Nursing Home Revenue Refunding Bonds (Birmingham Green Project) Series 1998 (the "Series 1998 Bonds") in the aggregate principal amount not to exceed \$10,500,000 to advance refund the Series 1990 Bonds to obtain the benefit of the lower interest rates currently available in the market; and

WHEREAS, the Original Lease currently (i) does not contemplate the issuance of refunding bonds to refund the Series 1990 Bonds and (ii) provides that the Original Lease



shall terminate on December 31, 2029 or such earlier date as the Lessor may determine provided no Series 1990 Bonds remain outstanding; and

WHEREAS, in order for the Commission to issue the Series 1998 Bonds, the Original Lease must be amended to provide that (i) the Lease shall not terminate so long as the Series 1998 Bonds are outstanding and (ii) if the Series 1998 Bonds are redeemed prior to their scheduled maturity date as a result of an event of default, the Lease shall not terminate prior to December 1, 2029 without the prior written consent of the Trustee; and

WHEREAS, the lessor and the Lessee desire to amend the Original Lease to facilitate the issuance by the Commission of the Series 1998 Bonds; and

WHEREAS, there has been prepared and submitted to the Board of Supervisors of the County a proposed form of the Amendment to Lease.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY, VIRGINIA, THIS 15TH DAY OF DECEMBER 1998:

Section 1. Incorporation of Recitals. The Recitals contained in this Resolution are true and correct and are incorporated in this Resolution by this reference.

Section 2. The Amendment to Lease. The Amendment to Lease is hereby approved in the form submitted to this meeting, and a copy of the Amendment to Lease shall be filed with the minutes of this meeting. The Chairman or, in his absence, his designee (each an "Authorized Officer") is hereby authorized and directed to execute and deliver the Amendment to Lease in substantially the form herein approved with such additions, deletions and modifications thereto as may be approved by such Authorized Officer, the execution of the Amendment to Lease being conclusive evidence of such approval and the approval of the Board of Supervisors; and the County Administrator or, in his absence, his Deputy is hereby authorized and directed to affix the seal of the County to the Amendment to Lease and to attest the same.

Section 3. Other Action. The Authorized Officer and his designee, the County Administrator and his Deputy are hereby authorized and directed to execute and deliver any and all additional documents and instruments and to do and cause to be done any and all things necessary or proper for carrying out the transactions contemplated by this Resolution.

Section 4. Severability. If any provision of this Resolution shall be held or deemed to be illegal, inoperative or unenforceable, the same shall not affect any other provision or cause any other provision to be invalid, inoperative or unenforceable to any extent whatever.

Section 5. Repealer; Effective Date. Any resolutions or orders or parts thereof in conflict with this Resolution are to the extent of such conflict hereby repealed. This Resolution shall take effect upon its adoption, subject to approval by all of the

Localities.

**PROPOSAL TO GRANT RAPPAHANNOCK ELECTRIC COOPERATIVE AN EASEMENT AT THE WARRENTON-FAUQUIER AIRPORT**

A public hearing was held to consider granting a 40-foot wide overhead and a 15-foot wide underground utility easement to Rappahannock Electric Cooperative for the purpose of providing electrical power to the new t-hangar at the Warrenton-Fauquier Airport. No one spoke. The public hearing was closed. Mr. Burton moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Joe Winkelmann***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

**RESOLUTION**

**A RESOLUTION GRANTING A UTILITY EASEMENT TO RAPPAHANNOCK  
ELECTRIC COOPERATIVE FOR THE WARRENTON-FAUQUIER  
AIRPORT T-HANGAR**

WHEREAS, in conjunction with the t-hangar construction project at the Warrenton-Fauquier Airport, it is necessary to grant to Rappahannock Electric Cooperative a utility easement for purposes of transmission of electric power; and

WHEREAS, after holding a public hearing to consider public comments, the Fauquier County Board of Supervisors has determined that it is appropriate to grant an electrical easement at the Warrenton-Fauquier Airport to Rappahannock Electric Cooperative; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of December 1998, That the County Administrator be, and is hereby, authorized to execute all necessary documents to grant to Rappahannock Electric Cooperative a 40 foot wide overhead and 15 foot wide underground utility easement for the purpose of providing electrical service to the new t-hangar at the Warrenton-Fauquier Airport.

**REZONING REQUEST – LARGENT & SONS, INC., AND MELVIN AND CAROLYN CHAMBERS, OWNERS, AND WILLIAM A. HAMP, APPLICANT**

A public hearing was held at the November 17, 1998 meeting to consider a Comprehensive Plan Amendment and Rezoning Request for Largent & Sons, Inc. and Melvin and Carolyn Chambers, Owners, and William A. Hamp, Applicant, to re-designate 20 acres from Rural/Conservation to General Industrial and to rezone this property from Rural Agriculture (RA) to General Industrial (I-2). The property is located on the east side of Bealeton Road (Route 805) and is immediately south of the Southern Railway, PIN #6899-75-6513-000 and Part of PIN #6899-85-6796-000, Cedar Run District. At the November 17<sup>th</sup> meeting, the Board of Supervisors voted to deny the Comprehensive Plan Amendment and to continue the public hearing on the Rezoning Request to this meeting. Roger Steele spoke in favor of the rezoning request. No one else spoke. The public hearing was closed. Mr. Burton moved to adopt the following ordinance. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Joe Winkelmann***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

## ORDINANCE

AN ORDINANCE TO APPROVE REZONING REQUEST #RZ98-CR-11,

LARGENT & SON'S, INC./CHAMBERS PROPERTY

WHEREAS, Largent & Son's, Inc., and Melvin and Carolyn Chambers, Owners, and William A. Hamp III, Applicant, have initiated a request to amend the Fauquier County Zoning Map by changing the designation of a 20.0 acre tract, identified by parcel identification numbers 6899-75-6513-000 and part of 6899-85-6796-000, from Rural Agriculture (RA) to General Industrial (I-2); and

WHEREAS, the owners and applicant have filed an application to amend the Fauquier County Zoning Ordinance in accordance with the provisions of Article 13-202; and

WHEREAS, the 20 acre parcel is situated on the east side of Bealeton Road (Route 805) and is immediately south of the Southern Railway, in Cedar Run Magisterial District; and

WHEREAS, the 20 acre parcel is designated for Rural/Conservation land uses in the Fauquier County Comprehensive Plan; and

WHEREAS, the 20 acre parcel consists of a 6.0 acre property, and 14.0 acres of a 104.5 acre property; and

WHEREAS, in 1964 the Fauquier County Board of Zoning Appeals approved a special permit for a wood collection yard on the 6.0 acre property of the subject parcel; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on October 29, 1998, regarding this rezoning request and unanimously recommended approval; and

WHEREAS, the Board of Supervisors on November 17, 1998, held a public hearing on this rezoning request; and

WHEREAS, the Board of Supervisors on December 15, 1998, held a second public hearing on this rezoning request as the applicant had requested prior to the November public hearing that the rezoning hearing be postponed; and

WHEREAS, by the adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Zoning Map; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of December 1998, That Rezoning Request #RZ98-CR-11 to change the zoning designation for a 20.0 acre parcel on Route 805 (Bealeton Road), identified by PIN #6899-75-6513-000 and part of PIN #6899-85-6796-000, from Rural Agriculture (RA) to General Industrial (I-2) be, and is hereby, approved.

SPECIAL EXCEPTION RENEWAL – MARGOT H. CUTTING, OWNER, AND FIRST VIRGINIA COMMUNICATIONS, INC., APPLICANT

A public hearing was held to consider a request for special exception renewal approval from Margot H. Cutting, Owner, and First Virginia Communications, Inc., Applicant, for a tower located on Bear Wallow Road (Route 690) adjacent to the Warrenton Training Center, PIN #6975-34-5036-000, Marshall District. Dan O'Connell, representing the Applicants, spoke in favor of the request. Kim Houseman, representing the Warrenton Training Center, requested that the application not be approved for nine years unless interference issue has been addressed. The public hearing was closed. Mr. Green moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Joe Winkelmann***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

## RESOLUTION

## A RESOLUTION TO APPROVE RENEWAL OF SPECIAL EXCEPTION

REQUEST #SE95-M-11

FIRST VIRGINIA COMMUNICATIONS, INC.

WHEREAS, the applicant, First Virginia Communications, Inc., has filed an application to renew a special exception for the continued use of an existing communications tower pursuant to Section 3-320 of the Fauquier County Zoning Ordinance; and

WHEREAS, the special exception application of First Virginia Communications, Inc., applicant, has been properly filed and all required notices of the public hearing have been properly made, and the applicant has presented evidence both oral and documentary, and the staff has a filed staff report, all indicating compliance with the general standards for special exceptions as set forth in Article 5 of the Zoning Ordinance; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on November 19, 1998, on this special exception renewal request; and

WHEREAS, the Fauquier County Planning Commission, at its November 19, 1998, public hearing regarding this special exception amendment request, recommended approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of December 1998, That special exception renewal #SE95-M-11, First Virginia Communications, Inc., applicant/Margot H. Cutting, owner (PIN #6975-34-5036-000), be, and is hereby, approved subject to the following conditions:

1. Use of the property shall be limited exclusively to a single radio tower used by approved communications systems.
2. This use shall comply with all FAA requirements at all times.
3. Height of the antenna shall not exceed 250 feet.
4. The expanded tower shall reserve space for locating any necessary emergency communication antennas.
5. The applicant shall notify the Warrenton Training Center (WTC) within sixty (60) days of any proposed additional antenna users, including the proposed frequency and other pertinent technical information.
6. Annual Report. The owner of each antenna or tower shall submit a

report to the Zoning Administrator once a year, no later than July 1. The report shall state the current user status of the tower.

7.           Antenna and Tower Removal. Any antenna or tower shall be disassembled and removed from the site within ninety (90) days of the discontinuance of the tower for wireless telecommunications purposes. Removal includes the removal of the antennas, telecommunications towers, fence footers, underground cables and support buildings. The building and foundation may remain with the landowner's approval. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

8.           The special exception renewal is for a period of nine (9) years.

#### COMPREHENSIVE PLAN AMENDMENT AND REZONING REQUEST – R.F. HOSKINS, OWNER, AND DAVID AND DEBORAH COOK, APPLICANTS

A public hearing was held to consider a request to amend the Fauquier County Comprehensive Plan to re-designate a 3.22 acre parcel from Rural/Conservation to Commercial Highway and to rezone the parcel from Rural Agriculture (RA) to Commercial Highway (C-2). The property is located on the northern side of Route 29 at the Prince William/Fauquier County boundary, PIN #7916-67-4848-000, Scott District. Merle Fallon, representing Mr. and Mrs. Cook, spoke in favor of the requests. Kathleen King, Barbara Severin, Anita Gray-Tortorella, Kitty Smith, and Sue Scheer spoke in opposition. The public hearing was closed. Mr. Weeks moved to table the decision until the January 19, 1999 meeting. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Joe Winkelmann***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

#### COMPREHENSIVE PLAN AMENDMENT – CHAPTER 11 – COMMUNITY DESIGN GUIDELINES

A public hearing was held to consider amending Chapter 11 of the Comprehensive Plan regarding Community Design Guidelines to provide general guidelines for the development of efficient and well designed commercial, industrial, residential and community projects in Fauquier county. Kitty Smith and Kathleen King spoke in favor of the amendment. No one else spoke. The public hearing was closed. Mr. Green moved to

adopt the following resolution. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Joe Winkelmann***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

## RESOLUTION

### A RESOLUTION TO ADOPT THE AMENDED

#### CHAPTER 11-COMMUNITY DESIGN GUIDELINES OF THE COMPREHENSIVE PLAN

WHEREAS, the Board of Supervisors directed the Planning Commission in September of 1997 to prepare proposed amendments to the Comprehensive Plan and Zoning Ordinance regarding Community Design Guidelines; and

WHEREAS, the Planning Commission conducted a public hearing on August 27, 1998, for Chapter 11-Community Design Guidelines amendment of the Comprehensive Plan; and

WHEREAS, the Planning Commission voted unanimously on September 24, 1998, to forward to and recommend that the Board of Supervisors adopt the referenced amendment to Chapter 11 of the Comprehensive Plan; and

WHEREAS, the Board of Supervisors, following a public hearing on December 15, 1998, finds that the proposed amendment to Chapter 11 of the Comprehensive Plan meets its intent and provides policy and implementation recommendations regarding general design standards with special focus for those areas within service districts; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of December 1998, That the Amendment to Chapter 11-Community Design Guidelines of the Comprehensive Plan is hereby adopted.

#### ZONING ORDINANCE TEXT AMENDMENT – ARTICLE 7, SECTION 7-400 – TREE CANOPY, LANDSCAPE AND BUFFER REQUIREMENTS

A public hearing was held to consider a Zoning Ordinance Text Amendment to Article 7, Part 4, Section 7-400 regarding Tree Canopy, Landscape and Buffer Requirements. Kitty Smith and Sue Scheer spoke in favor of the amendment. Bob Sowder

said that sometimes plans end up different than when originally submitted. No one else spoke. The public hearing was closed. Mr. Weeks moved to adopt the following ordinance. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Joe Winkelmann***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

## ORDINANCE

### AN ORDINANCE TO AMEND ARTICLE 7, PART 4, SECTION 7-400 OF THE ZONING ORDINANCE TO ESTABLISH TREE CANOPY, LANDSCAPE AND BUFFER REQUIREMENTS

WHEREAS, the Board of Supervisors directed the Planning Commission in September of 1997 to prepare Community Design Guidelines amendments to the Comprehensive Plan and the Zoning Ordinance; and

WHEREAS, the Planning Commission conducted public hearings on August 27, 1998, on both the amendment to Chapter 11, entitled Community Design Guidelines, of the Comprehensive Plan, and the implementing Zoning Text Amendment to Article 7, Part 4, Section 7-400 of the Zoning Ordinance, entitled Tree Canopy, Landscape and Buffer Requirements; and

WHEREAS, the Planning Commission voted unanimously on September 24, 1998, to forward to and recommend that the Board of Supervisors adopt the referenced Amendments to Chapter 11 of the Comprehensive Plan and Article 7 of the Zoning Ordinance; and

WHEREAS, the Board of Supervisors, following a public hearing on December 15, 1998, finds that the proposed Ordinance meets the intent and implements recommendations of the Comprehensive Plan, and establishes general criteria and performance standards for required tree canopy, landscape and buffers; and

WHEREAS, the Board of Supervisors now wishes to adopt the Ordinance; and

WHEREAS, by the adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare or good zoning practice



is satisfied by these amendments to the Fauquier County Zoning Ordinance; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15th day of December 1998, That Article 7, Part 4 of the Fauquier County Zoning Ordinance, be, and is hereby, amended to establish as Section 7-400, Tree Canopy, Landscape and Buffer Requirements in accordance with the following amendments that are attached hereto and made a part of this Ordinance, with an effective date of January 29, 1999.

#### COMPREHENSIVE PLAN AMENDMENT – CHAPTER 8 – RURAL AREAS LAND USE PLAN

A public hearing was held to consider the proposed Chapter 8 of the Comprehensive Plan – Rural Areas Land Use Plan to address land use in the rural areas of the County. The following people spoke:

- Jim Stone – in favor of the amendment
- Barbara Severin – in favor of the amendment and disappointed that slope and floodplain in open space calculations were removed and first time by right should be allowed with disclosure
- Redmond Manierre – asked that the Riparian Buffer Implementation Plan be included
- Denny McCarthy – in favor of the amendment and asked that the Riparian Buffer Implementation Plan be included
- Sue Scheer – in favor of the amendment with inclusion of restricting by-rights subdivision as administrative and deleting the Auburn Dam
- Bob Sowder – asked that possible effects of this plan on business people be considered
- Patricia Thomas – opposed to the amendment; feels plan contains opposing views and restricts rural landowner rights
- George Thompson – in favor of the amendment but would like time to study the plan
- Kitty Smith – in favor of the amendment

No one else spoke. The public hearing was closed. Mr. Green moved to table the decision until the February 16, 1999 meeting. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Joe Winkelmann***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

**SUPERVISORS TIME**

- Mr. Weeks asked the Board of Supervisors to consider a public information forum on the proposed 800 MHz radio system. This forum would give the public an opportunity to ask questions and hear testimony from experts. Members of the Board agreed.
- Mr. Green asked the staff to schedule a public hearing on the Warren/Fauquier County boundary adjustment.
- Mr. Mangum read a letter from Deputy Secretary of Education, Cheri Pierson Yecke, saying that she would be in Fauquier County on December 21 and would like to meet with the Board of Supervisors. Mr. Winkelmann will handle the details of scheduling this adjourned meeting on December 21 at 1:00 p.m.

With no further business, the meeting was adjourned.